

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	20/08/2020
		N/A / attached		<b>Consultation Expiry Date:</b>	09/08/2020
<b>Officer</b>			<b>Application Number(s)</b>		
Alyce Jeffery			2020/2836/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Footpath adjacent carpark Bartholomew Road Kentish Town London NW5 2AR			See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Installation of telecommunications equipment comprising of 1x 20m Phase 8 monopole C/W wraparound cabinet at base and 3x cabinets at ground level.					
<b>Recommendation(s):</b>		i) Prior approval required ii) Prior approval refused			
<b>Application Type:</b>		<b>GPDO Prior Approval Determination</b>			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>Site notices were displayed on the 16/07/2020 and the consultation period expired on the 9/08/2020. A press notice was advertised on 15/07/2020 and expired on 8/08/2020.</p> <p>1 letter of support was received, and <u>3 objections were received</u> during the consultation period from the following properties: 34b Camden Square, 42 Bartholomew Villas and 13 Leverton Street.</p> <p>Their objections can be summarised as follows:</p> <ul style="list-style-type: none"> <li>- Health concerns</li> <li>- Design out of character with the local area, highly visible in multiple views due to height and prominent location</li> <li>- Harm to the conservation area</li> <li>- Scale and siting inappropriate, significantly higher than neighbouring buildings</li> <li>- Pavement width is not sufficient</li> <li>- Other non-residential locations should be considered</li> </ul>					

<p><b>CAAC/Local groups comments:</b></p> <p><b>Kentish Town Neighbourhood Forum</b></p> <p><b>Bartholomew Estate and Kentish Town CAAC</b></p>	<p>The Kentish Town Neighbourhood Forum advised they 'have no comments to make for this application (neither endorse nor oppose).'</p> <p>However, following this, the Chair of the Kentish Town Neighbourhood Forum raised a number of questions for the local authority;</p> <ul style="list-style-type: none"> <li>• What steps have Camden taken to decide if the height of the proposed mast can be reduced?</li> </ul> <p><i>Officer comment: The applicant has stated the height of the monopole is at the absolute minimal, officers discuss the design in the Siting and Design section below.</i></p> <ul style="list-style-type: none"> <li>• How will Camden deal with individual applications to install 5G equipment in the same location, if providers cannot or will not share?</li> </ul> <p><i>Officer comment: It is up to the applicant to put forward this justification in their prior approval submission. The NPPF does suggest mast sharing and reducing the creation of new facilities/equipment where possible. The NPPF does encourage providers to share and the onus is on the applicant to demonstrate whether they can.</i></p> <ul style="list-style-type: none"> <li>• How has Camden satisfied itself that there would be no health risks from an increase in exposure to electromagnetic radiation, particularly as the mast would be near a school and in a residential area?</li> </ul> <p><i>Officer comment: The application has been supported by an International Commission on Non-Ionizing Radiation Protection (ICNIRP) Declaration. Further information relating to 5G can be found following the below link.</i>  <a href="https://opendata.camden.gov.uk/views/j7mk-4ya8/files/33f6bce7-34e5-465e-b417-6b30f965c370?filename=Response_FOI%20-%20FOI14020.pdf&amp;">https://opendata.camden.gov.uk/views/j7mk-4ya8/files/33f6bce7-34e5-465e-b417-6b30f965c370?filename=Response_FOI%20-%20FOI14020.pdf&amp;</a></p> <ul style="list-style-type: none"> <li>• How has Camden satisfied itself that there would be no Huawei equipment installed? If Camden cannot be satisfied, will they delay the grant of permission until alternative equipment can be provided?</li> </ul> <p><i>Officer comment: This not within the councils scope as it has been legislated at a national level. The ban on Huawei equipment is only for 5G deployment and that deployment of telecoms equipment for 4G, 3G, etc allows the use of Huawei equipment.</i></p> <p>No response was received from the Bartholomew Estate and Kentish Town CAAC.</p>
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## Site Description

The application site is located on the footpath outside a carpark on the corner of Barthomolew Road and Gaisford Street. The site is located within the Barthomolew Estate Conservation Area, and is not sited nearby to any listed buildings.

## Relevant History

### Neighbouring sites:

#### **Pavement on Bartholomew Road, Junction with Oseney Crescent**

**2019/2420/P** - The replacement of the existing 12.5m monopole with a new 12.5m monopole, the replacement of cabinet and ancillary works thereto - **Prior approval required, approval given 31/07/2019**

#### **Footpath at junction of Oseney Crescent and Bartholomew Road**

**2013/5802/P** - Removal of existing 10m high mobile phone mast with 2no. antennas within a GRP shroud and replacement with a 12.5m high pole with 2no. new antennas within a GRP shroud. Installation of 2 equipment cabinets and ancillary development – **Granted 11/10/2013**

## Relevant policies

### **National Planning Policy Framework (2019)**

#### **London Plan (2016)**

**Intend to publish London Plan (2019)**

#### **TfL's Pedestrian Comfort Guidance for London (2010)**

#### **Camden's Local Plan (2017)**

A1 Managing the impact of development  
C6 Access for all  
D1 Design  
D2 Heritage  
T1 Prioritising walking, cycling and public transport

#### **Camden Planning Guidance**

CPG Design (2019)  
CPG Amenity (2018)  
CPG Digital infrastructure (2018)  
CPG Transport

## Assessment

### 1. Proposal

1.1 The application has been submitted under Part 16 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended). The order permits the Council to only consider matters of siting and appearance in determining GPDO prior approval applications. As a result, it is not possible for objections to be raised on any other grounds, such as health.

1.2 The proposal involves the erection of 20m high monopole incorporating a large cabinet at its base and 3 other cabinets and ancillary works, all on the pavement.

1.3 The base station cabinet of the mono pole measures 0.75m deep x 1.8m wide x 1.6m high. The other cabinets (viewing south to north) are 0.45m deep x 0.6m wide x 1.2m high, 0.65m deep x 1.9m wide x 1.75m high, and 0.5m deep x 0.6m wide x 1.6m high.

1.4 A decision is needed to be made within 56 days of the application's receipt (25<sup>th</sup> June 2020). Thus if the applicant does not receive the Council's decision by 20th August 2020, the proposals will have deemed approval by default according to GPDO legislation.

### 2.0 Assessment

2.1 Prior approval is required for this type of development as it includes the installation of an antennae (including any supporting structure) which exceeds the height of the building or structure (other than a mast) by 4 metres or more at the point of where it is installed or to be installed.

2.2 The main considerations in relation to this proposal are:

- Applicant's Justification
- Siting and Design
- Planning balance

### 3.0 Applicant's Justification

3.1 The proposal is based on the principle of meeting operational requirements of the mobile operator H3G (Three). It is for a new mast in the area and does not replace any existing equipment. The equipment would improve 5G coverage in the area.

3.2 The applicant has stated the following 'the site is required to provide new 5G coverage for H3G LTE in order to improve coverage in the area of Kentish Town. The cell search areas for 5G are extremely constrained with a typical cell radius of approximately 50m meaning that it would not be feasible to site the column outside of this locale.' The applicant has provided a list of 8 alternative sites all of which have been discounted either due to pavement width or trees, however they have not provided exact measurements of the pavement short comings, or compared the proposed site to the alternative discounted sites. It is therefore considered that information regarding alternative sites or sufficient justification for this location has not been submitted in support of the application.

3.3 The applicants have declared with appropriate documentation that all of the proposed equipment would comply with International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards on emission levels in accordance with government guidelines. Consequently there are no direct public health concerns regarding this proposal.

## 4. Siting and design

4.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including listed buildings.

4.2 CPG Digital Infrastructure states that "the Council will aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used unless the need for a new site has been demonstrated to the satisfaction of the Council. Where new sites are required, equipment should be sympathetically designed and appropriately camouflaged where possible."

4.3 It is noted that the Council have granted permission nearby on Oseney Crescent (see planning history section above). It is unclear from the information provided if this permission has been included in their coverage provision maps included in their site specific supplementary information document. The approved application was for replacement of the existing 12.5m high monopole with a 12.5m high monopole, therefore the impact on the streetscene and surrounding conservation area would be the same as the existing. Whereas, the proposal at the subject site would introduce a new monopole and associated cabinets, and would therefore add to the visual clutter and harm the character and appearance of the street scene and setting of the conservation area.

4.4. The application site is on the pavement adjacent to a carpark on Bartholomew Road, which is located on the corner of Bartholomew Road and Gaisford Street. Opposite the site lies another carpark, sited on the corner of Bartholomew Road and Oseney Crescent, therefore combined, both carparks provide an open junction and views of Bartholomew Road south of Gaisford Street and Oseney Crescent. The surrounding area and stretch along Bartholomew Road is predominantly characterised by three-storey (some with mansard roof extensions) Victorian terraced properties, in residential use. It is important to note that the terrace properties are well maintained and add significant value to the character and appearance of the conservation area.

4.5 The proposed equipment would be located approximately 30m from the junction between Bartholomew Road, Gaisford Street and Oseney Crescent. Given the siting near a prominent and open corner and the low scale of the neighbouring buildings, the 20m monopole would be highly prominent in multiple short and long views along Bartholomew Road, Gaisford Street and Oseney Crescent. The monopole would sit 8m higher than the adjoining terrace's roofline, which is approximately three storeys in height. The closest piece of street furniture, the streetlight, currently sits at 6.5m in height, therefore the monopole would sit more than 3 times its height.

4.6 The monopole widens towards the top and comprises two dishes of approx.300mm diameter at the very top. These elements only serve to draw further attention to the pole, increasing its bulkiness and adding to its incongruous appearance. In addition, the base is enveloped by a large wrap-around cabinet which further adds to the pole's bulky and incongruous form. Consequently, it is considered that the proposed installation causes harm to the setting, character and appearance of the surrounding buildings, streetscene and this part of the Bartholomew Estate Conservation Area. The pole would be substantially taller than a streetlight and much thicker, with a large amount of associated cabinets at ground level. The pole would also be substantially taller than the neighbouring low-rise terrace buildings. As such, the pole and associated equipment would harm the appearance of the conservation area.

4.7 It is noted that there is only one existing cabinet in this location. The addition of a large monopole with a wraparound cabinet at the base and 3 associated cabinets would appear bulky and visually dominant in relation to the existing streetscene.

4.8 Neither the plans nor the supplementary planning information provided indicate how many antennae there will be on the pole.

4.9 In conclusion, it is considered that the development would result in visual street clutter and little justification has been provided for its need in this location or that alternative sites have been fully explored. Secondly, the 20m height of the pole and 0.8m-1.8m height of the cabinets is considered excessive. No justification has been provided on the pole's height which significantly dwarfs the neighbouring buildings. Thirdly, its location/height results in the development being very prominent as it is near the junction of Bartholomew Road, Gaisford Street and Oseney Crescent.

4.10 Camden policy supports uncluttered streetscapes which do not detract from the surrounding environment in policy D1 and D2. Any intervention at street level for telecoms equipment should harmonise with the underlying design ethos of the neighbouring buildings and streetscape rather than detract from its character and appearance. It is considered that the equipment in terms of its siting, bulk and height has not been carefully considered and no attempt has been made to screen or conceal the equipment nor place it elsewhere more unobtrusively and appropriately on existing high buildings. The proposal is considered to harm the character and appearance of the Bartholomew Estate Conservation Area, contrary to the above mentioned policies.

4.11 It is accepted that telecommunications equipment, by the nature of their functional design and aesthetic may not blend seamlessly with existing buildings. However, given the above, it is considered that the structures, by virtue of their excessive bulk and height and their prominent siting, would result in a proliferation of harmful visual clutter which would be unattractive and over-dominant on the quiet residential street and would cause harm to the character and appearance of the streetscene and the Bartholomew Estate Conservation area.

#### Transport

4.12 The Council's Highways team have objected that the development would harm pedestrian comfort along this stretch of already relatively narrow footpath.

4.13 The footway at the proposed site is approximately 2.68 metres wide. The plans submitted suggest that the telecommunications equipment would reduce the effective footway width to approximately 1.85 metres. In addition, during maintenance works, the width of the footpath would be further reduced, the most restricted part of the footpath only providing 0.95m of pedestrian footway.

4.14 The proposed monopole with wraparound cabinet at the base and 3 additional cabinets would add to the street clutter and would further hinder pedestrians along Bartholomew Road.

4.15 CPG Transport 9.7 states that the Council expects developments to consider the movement of people in and around a site, and to include the following:

- Ensuring the safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments, and other disabilities;
- Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by footway parking or by unnecessary street furniture.

4.16 The current London Plan Policy 6.10 (Walking) refers to 'promoting simplified streetscape, decluttering and access for all' and also states that Planning Decisions 'should ensure high quality

pedestrian environments and emphasise the quality of the pedestrian and street space'. Intend to Publish (ItP) London Plan Policy T2(d) states that development proposals should 'demonstrate how they deliver improvements that support the 10 Healthy Streets Indicators in line with Transport for London guidance'.

4.17 The proposed monopole and cabinets, by virtue of its location, size and additional unnecessary street clutter, would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm, would cause harm to highway safety and would hinder pedestrian movement, and would have a detrimental impact on the promotion of walking as an alternative to motorised transport.

#### Amenity

4.18 Para 45 of the NPPF states that applications for telecommunications development should be supported by the necessary evidence to justify the proposed development. This should include, for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionizing radiation protection guidelines. Para 46 states that local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or *determine health safeguards if the proposal meets International Commission guidelines for public exposure* (my emphasis).

4.19 The application submitted an ICNIRP Declaration which certifies that the equipment is designed to be fully compliant with the precautionary guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). It is noted that a number of objections have been received to the proposed telecommunications equipment on health grounds. As noted above, the NPPF does not give scope for the local planning authority to determine health safeguards beyond compliance with ICNIRP.

4.20 On account of the pole's siting in relation to other properties, there will be no impact on daylight, sunlight or outlook to neighbouring premises nor any harm arising from a perception of risk to health. It is thus concluded that there will be no adverse impact on residential amenity or public safety of adjoining residential occupiers.

### **5.0 Planning balance**

5.1 Local Plan Policies D1 and D2, consistent with Section 16 (Conserving and enhancing the historic environment) of the NPPF (2019), seek to preserve and enhance heritage assets, stating that the Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

5.2 The site is located within the Bartholomew Estate Conservation area thus providing protection under the policy 197 within the NPPF as well as heritage related policy D2 within the Camden Local Plan.

5.3 Given the assessment outlined above, it is considered that the proposed telecommunications equipment would result in 'less than substantial' harm to the Bartholomew Estate Conservation Area. It is recognised that the proposed scheme would result in better network coverage, and as such, some public benefit would be derived from the scheme. However, the harm caused as a result of the development is not outweighed by this public benefit, thus the proposal is considered to be contrary to Section 16 of the NPPF which seeks to preserve heritage assets.



5.4 Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance conservation area, under s. 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

5.5 The proposal would therefore fail to accord with policies D1 and D2 of the Camden Local Plan 2017, and Section 16 of the NPPF 2019. The development would create overly dominant visual clutter in a prominent location, causing harm to the neighbouring buildings, local views from the street and conservation area. In addition, it would create unnecessary obstructions on the pavement and hinder pedestrian movement.

## **6.0 Recommendation**

6.1 Prior Approval Required – Approval refused on grounds of unacceptable siting and design.